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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,787	09/04/2001	Dietmar Huglin	HP/2-21867	3542

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EXAMINER

CHANNAVAJJALA, LAKSHMI SARADA

ART UNIT PAPER NUMBER

1615

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,787

Applicant(s)

HUGLIN ET AL.

Examiner

Lakshmi S. Channavajjala

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-64 is/are pending in the application.
- 4a) Of the above claim(s) 42-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 33-41 and 47-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

3200

DETAILED ACTION

Receipt of amendment and response dated 7-7-05 is acknowledged.

Claims 33-64 are pending. Claims 42-46 have been withdrawn as non-elected and claims 33-41 and 47-64 are considered for examination.

The following rejection of record has been maintained:

Claim Rejections - 35 USC § 102

Claims 33-41, 47, 61, 62 and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3356612 to Guthrie et al (Guthrie).

Guthrie discloses stable detergent compositions comprising a chlorine or halogen releasing agent nonionic surfactant and a stabilizing antioxidant (col. 1). Guthrie teaches that the stability or the shelf life of dishwashing detergent composition. Among the antioxidants, Guthrie discloses alkylated bisphenols such as 4, 4'-dihydroxy-3, 3'-dimethyl-5, 5' di-t-butyl biphenyl, 2,2'-methylene, bis (4-, methyl-6-t-butyl phenol) etc (col. 12, lines 33-52 and col. 13, Table II). Instant claim 33 requires $R1=H$, $R2=C1-C22$ alkyl, $R3=H$, $Q=CmH2m$ and the variables a-d can be 0 or 1. Accordingly, if variables b-d=0 and e=1, the bisphenols compound of Guthrie reads on formula I of the instant claim 33. Therefore, Guthrie anticipates instant claims.

Claim Rejections - 35 USC § 103

Claims 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 3356612 to Guthrie et al (Guthrie).

Guthrie teaches dishwashing composition containing the claimed phenolic antioxidants (see above). Guthrie does not exemplify a composition comprising a mixture of antioxidants or in combination with tocopherol or the amounts of antioxidants claimed. However, Guthrie teaches that antioxidants and synergists can be employed and suggests tocopherol and its related compounds as suitable antioxidants (col. 12, lines 1-33). With respect to the light stabilizers claimed, applicants disclose in the specification that amines also act as light stabilizers. Guthrie teaches amino compounds such as diaryl amines also as suitable antioxidants (col. 12, lines 55-65). Therefore, it would have been obvious for one of an ordinary skill in the art at the time of the instant invention to use a combination of antioxidants such as a mixture of tocopherol (or amine compounds) and phenol compounds in appropriate amounts in the dishwashing composition, because Guthrie suggests that antioxidants improve the shelf life of otherwise unstable dishwashing composition and that antioxidants have a synergistic effect.

Claims 33-41, 47-61 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2319523 (GB).

GB teaches stabilizer compounds for stabilizing a variety of organic material such as cosmetics, paint compositions and photographic compositions. Among the antioxidants, GB teaches the instant claimed bisphenols (page 22), triazine compounds (pages 2-10, 28), benzotriazole compounds (page 26), tocopherol (page 22) and sterically hindered amines (page 27). GB teaches several alkylene bisphenols that reads on the claimed structure. Further, GB teaches employing the antioxidants in

Art Unit: 1615

cosmetics such as sun protecting compositions (page 92), and other skin and hair applications (page 44 and page 45), by employing in optimum amounts and in combination with cosmetically acceptable excipients. GB further suggests addition of the antioxidants in combination such as triazine and sterically hindered amines (page 33). While GB fails to exemplify cosmetic or other compositions comprising the claimed phenolic antioxidants, choosing a combination of antioxidants such as phenolic antioxidants and other antioxidants from the various classes of art recognized antioxidant molecules so as to achieve the desired stabilizing effect (of cosmetic or other compositions) and further prevent the oxidative damage or thermal degradation of the cosmetic or other organic compositions.

Response to Arguments

Applicant's arguments filed 7-7-05 have been fully considered but they are not persuasive.

Guthrie (Anticipation Rejection):

Applicants argue that only 3rd embodiment of Guthrie has relevance under 35 U.S.C. 102(b) to the present invention. Applicants argue that according to the definition of amended claim 33, the bleaching product of Guthrie comprising a specific z-component stabilizing system is outside the definition of the stabilized products of present claim 33. It is argued that since the dependent claim limitations have been incorporated into claims 33 and 61, independent claims 33 and 61, and necessarily all the claims dependent thereon, are not anticipated by Guthrie et al.

Applicants' arguments are not persuasive because, instant claim 33 recites preventing oxidation by incorporating the claimed compounds in the claimed products. Thus, the claimed phenolic antioxidant is present together with the product being treated, which could be a body care or a household care products. Instant claim 33 recite, among household products, metal, glass and ceramic cleaners, that include the dishwashing detergents of Guthrie that clean glass (col. 4, lines 3-4, where the spotting of water on glass and metal is described). Further, Guthrie clearly discloses incorporation of an antioxidant in the system to prevent degradation and oxidation process in the dishwashing detergents. Thus, the teachings of Guthrie are not outside the scope of the invention and instead anticipate the instant claims.

Guthrie (Obviousness Rejection):

Applicants argue that Guthrie requires both a chelating agent and an antioxidant in the solution and that the antioxidant of Guthrie results in stabilization during the application and not stabilization of bleach per se. While it is true that Guthrie requires two components, instant claimed products do not exclude any cleaners that contain chlorine bleach of Guthrie. Besides, instant method claims only recite a method of preventing oxidation by incorporating the phenolic compounds and does not recite any process or steps of how actually oxidation is inhibited. Therefore, it is the examiner's position that claimed incorporation does not necessarily exclude stabilization, unless shown evidence to the contrary. Further, it is examiner's position that the stabilization disclosed by Guthrie involves the same process of preventing oxidation because the compounds are antioxidants by nature.

Art Unit: 1615

GB 2319523 to Huglin et al (GB) (obviousness rejection):

Examiner notes that instant claims 33-41, 47-61 and 63 have been rejected under this section, as opposed to applicants' statement (on page 17 of the response) that claims 33-41, 47, 61 and 64 are rejected.

Applicants argue that GB specifically teaches hydroxyphenyltriazines as stabilizers, UV absorbers (UV filters) and that teaches one or more antioxidants only as additives (page 21). Applicants argue that the example of page 92 does not recite any antioxidants and only teaches the triazines. Applicants argue that there is no teaching of combining the triazines with the instant phenolic antioxidants. Applicants' arguments are not persuasive because instant claims also recite hydroxyphenyltriazines (see claim 53), for the same function (light stabilizers) and not as an antioxidant. Instant claim 50 requires a combination of phenolic antioxidants and light stabilizers (such as those of claim 53). Further, GB clearly suggests a combination of light stabilizing hydroxyphenyltriazines and antioxidants such as alkylated monophenols, alkylated dibisphenols (instant phenolic antioxidants), tocopherol etc (pages 21-29). Thus, applicants' argument that GB mentions a combination of antioxidants with light stabilizers is not persuasive because GB clearly describes the various groups of antioxidant compounds. Therefore, the rejection is deemed to be proper.

The following is a new rejection:

Art Unit: 1615

Claim 62 recites the limitation "cleaning and treating agents selected from washing, rinsing and dishwashing agents" in lines 1. There is insufficient antecedent basis for this limitation in the claim.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 9.00 AM -6.30 PM

Art Unit: 1615

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lakshmi S Channavajjala
Examiner
Art Unit 1615


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